



No.5-ORB353/2018-BHU

18th July, 2018

To

The Addl. Chief Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.

Sub:- Diversion of 3.94 ha of Revenue forest land for construction of 132 KV/SC (2 Conductor) Transmission line on DC Tower from the existing 132/33 KV Grid Sub-Station at Boinda of OPTCL to 132/25 KV Railway Traction Sub-Station (RTSS), Boinda by Odisha Power Transmission Corporation Ltd. in Athamallik Forest Division within jurisdiction of Angul district, Odisha.

Sir,

I am directed to refer to State Govt. letter No10F(Cons)119/2018-12184/F&E dated 26.05.2018 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 3.94 ha of Revenue forest land for construction of 132 KV/SC (2 Conductor) Transmission line on DC Tower from the existing 132/33 KV Grid Sub-Station at Boinda of OPTCL to 132/25 KV Railway Traction Sub-Station (RTSS), Boinda by Odisha Power Transmission Corporation Ltd. in Athamallik Forest Division within jurisdiction of Angul district, Odisha, subject to the fulfillment of the following conditions.

- i) Legal status of forest land proposed for diversion shall remain unchanged.
- ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.
- iii) At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- iv) Compensatory afforestation shall be raised over 5.00 ha of non-forest/degraded revenue forest land identified in Plot No.55 & 56(P). Khata No.46 of village Bahalbeda under Bamur Range of Athamallik Forest Division against the area of forest land proposed to be diverted at the cost of the user agency.
- v) The non forest/degraded revenue forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of Stage-II approval.
- vi) The non-forest land/degraded revenue forest land over which compensatory afforestation will be taken up shall be notified as PF/RF and shall remain under the administrative control of the State Forest Department.

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- vii) The compensatory afforestation scheme may also include activities like soil & moisture conservation, regeneration cleaning, silvicultural activities and ensure maintenance of these plantation for a period of seven to ten years as per requirement.
- viii) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through **online** portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- ix) The user agency should ensure that the compensatory levies (C.A. cost, NPV etc.) are deposited through challan generated online on web portal and deposited in appropriate bank **online only**. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- x) The State Govt. may initiate action under provisions of Indian Forest Act, 1927 or State Forest Act as per guidelines issued by Ministry vide letter No.11-42/2017-FC dated 29.01.2018 for erecting angle points in the forest land without approval under Forest (Conservation) Act, 1980.
- xi) The user agency shall comply the recommendations of the State Government.
- xii) The user agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter No.7-25/2012-FC dated 05.05.2014 and 19.11.2014.
- xiii) The user agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably zyziphus species) in right of way under the transmission line, and provide funds for execution of the said scheme by the State Forest Department.
- xiv) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, distance from adjoining pillars etc. The cost of expenditure like RCC/ stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFOs concerned and the work should be undertaken departmentally as per directions of Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016.
- xv) The State Forest Department/UA shall submit the surveyed sketch map with location and natural reference point of non-forest/degraded revenue forest land identified Plot No.55 & 56(P), Khata No.46 of village Bahalbeda under Bamur Range of Athamallik Forest Division as proposed for CA, giving the DGPS readings giving the latitude and longitude and distance between them.
- xvi) No labour camp shall be established on the forest land.
- xvii) The user agency shall provide alternate fuel preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas.
- xviii) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- xix) Earth or any material shall neither be brought from nor the debris resulting during construction be disposed of in the adjoining forest area by the user agency.


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- xx) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xxi) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without prior approval of the Ministry of Environment, Forest & Climate Change.
- xxii) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with letter No.11-9/1998-FC (pt.) dated 05.02.2013 and 05.07.2013, in support thereof.
- xxiii) Any other conditions that Ministry of Environment, Forest & Climate Change may stipulate, from time to time, in the interest of conservation, protection and development of forests and wildlife shall be complied by the user agency.
- xxiv) The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency, the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per guideline issued vide Ministry letter No. 11-306/2014-FC dated 28.08.2015.

Yours faithfully,



(S. Mohapatra)

Conservator of Forests (Central)

Copy to:-

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
3. The Deputy Manager (Elect.), EHT Construction Division, M/s Odisha Power Transmission Corporation Ltd., Angul, Dist:- Angul-759122 , Odisha.
4. Guard file.

Conservator of Forests (Central)